

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO:**

SUSAN MULLER,)	
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
UNITED COMPUCRED COLLECTIONS,)	
INC.,)	
)	
Defendant.)	

INTRODUCTION

1. This action arises out of Defendant's violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Minnesota, personal jurisdiction is established.

4. Venue in the United States District Court is proper under 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202.

PARTIES

6. Plaintiff is a natural person residing in Thief River Falls, Pennington County, Minnesota.

7. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national collection agency with its principle place of business at 4190 Harrison Avenue, Cincinnati, OH 45211.

9. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. At all times relevant to this Complaint, Defendant has acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers in the District of Minnesota.

FACTUAL ALLEGATIONS

11. Defendant calls to Plaintiff seeking and demanding payment for an alleged debt.

12. Defendant places telephone calls to Plaintiff on her home telephone at, 218-681-1402.

13. Defendant places calls to Plaintiff from telephone number, 800-543-1351.

14. Defendant threatened to have Plaintiff arrested and incarcerated.

15. Defendant used obscene and profane language by calling Plaintiff a “F**** lying bitch” and several other profane names (See Exhibit A).

16. Defendant accused Plaintiff of being a liar because Defendant had not received Plaintiff’s check. However, Plaintiff’s bank statement shows that the check was cashed by Defendant (See Exhibit B).

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COUNT ONE:
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.

17. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff.
- b. Defendant violated §1692d(2) of the FDCPA by using obscene and profane language the natural consequence was to abuse Plaintiff;
- c. Defendant violated §1692e(5) of the FDCPA by threatening to have Plaintiff arrested and incarcerated when such action cannot be taken by Defendant;
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt because Defendant threatened to have Plaintiff arrested and incarcerated;
- e. Defendant violated §1692e(10) of the FDCPA false and deceptive means in an attempt to collect a debt because Defendant accused Plaintiff of lying about sending them a check although Defendant had already cashed Plaintiff's check.

18. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

19. This case presents an actual and justiciable controversy within the meaning of the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq;
- b. Statutory damages pursuant to 15 U.S.C. § 1692k
- c. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- d. Awarding such other and further relief as may be just, proper and equitable.

DEMAND FOR JURY TRIAL

Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend.

7. Fed.R.Civ.Pro. 38.

KROHN & MOSS, LTD

Dated: October 27, 2010

By: s/ Lee Cassie Yates
Lee Cassie Yates - # 352688
120 West Madison Street, 10th Floor
Chicago, Illinois 60602
Telephone: (312) 578-9428

Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF Minnesota)
) ss.
COUNTY OF Pennington)

Plaintiff, Susan Muller, having first been duly sworn and upon oath, deposes and says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Susan Muller 9-11-10
Susan Muller